

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL JACOBS and
RUBY HANDLER JACOBS,

Plaintiffs,

v.

Case No. 1:21-cv-00690-MV-SCY

THE JOURNAL PUBLISHING COMPANY
d/b/a/ THE ALBUQUERQUE JOURNAL,
WILLIAM P. LANG, NICHOLE PEREZ,
JAMES THOMPSON, ELISE KAPLAN,
KAREN MOSES, and DOES 1 THROUGH 20,
INDIVIDUALLY OR JOINTLY AND SEVERALLY,

Defendants.

ORDER DENYING MOTION FOR RECONSIDERATION

THIS MATTER comes before the Court on Plaintiffs’ Motion to Seal Previously Filed Documents And Plaintiffs’ Response To The Court’s Order To Show Cause (Doc. 48). In this motion, Plaintiffs withdraw their request to seal Doc. 21 and Exhibits C and E in Doc. 37. *See* Doc. 48 at 1. However, the Plaintiffs ask the Court to seal Exhibit A¹ to their Reply in support of their Motion for Temporary Restraining Order, i.e., Doc. 37. Exhibit A is a photograph (the “Cannes photograph”) that depicts Plaintiffs in front of two yachts. Doc. 37-2 at 2. The Court previously denied the Plaintiffs’ request to seal documents containing this photograph. Doc. 46. Because Plaintiffs ask the Court again to seal the same photograph the Court already unsealed, their motion is a motion for reconsideration.

¹ Plaintiffs’ motion refers to this as “Exhibit 1,” but Doc. 37-2 at 2 states it is “Exhibit A.” The difference is immaterial.

A court may grant a motion for reconsideration in three circumstances: “an intervening change in the controlling law, the availability of new evidence, or the need to correct clear error or prevent manifest injustice.” *Brumark Corp. v. Samson Res. Corp.*, 57 F.3d 941, 948 (10th Cir. 1995).² A motion to reconsider is not an opportunity “to revisit issues already addressed or advance arguments that could have been raised earlier.” *United States v. Christy*, 739 F.3d 534, 539 (10th Cir. 2014). In other words, a motion to reconsider should do more than simply restate the position that was unsuccessfully advanced by the party in the initial motion, and should not advance new arguments that could have been raised in the initial motion.

Plaintiffs do not demonstrate that any of the three circumstances exist. They simply disagree with the Court’s initial conclusion and seek to alter it, raising many of the same arguments they raised previously. There is no basis for the Court to reconsider its prior order. The Court denies the request to seal Exhibit A to Doc. 37.

IT IS ORDERED THAT the Clerk of Court shall UNSEAL Docs. 21 and 37.

IT IS FURTHER ORDERED THAT Plaintiffs’ Motion to Seal Previously Filed Documents And Plaintiffs’ Response To The Court’s Order To Show Cause (Doc. 48) is DENIED.


UNITED STATES MAGISTRATE JUDGE

² Intervening controlling law instead confirms that the Cannes photograph should not be sealed. In *McWilliams v. Dinapoli*, __ F.4th __, 2022 WL 2812717 (10th Cir. 2022), the Tenth Circuit recently underscored the importance of public access to the courts. *Id.* at *10. It ordered documents unsealed where they were already publicly accessible, not subject to any legal privilege, and highly relevant to the litigation. *Id.* at *11.